

State of Connecticut
Commission on Human Rights and Opportunities
Regular Commission Meeting
Legislative Office Building, Room 1A
300 Capitol Ave
Hartford, CT 06103
Wednesday, November 13, 2019



2:00 p.m.
Regular Commission Meeting Minutes
Commissioners Present

Cherron Payne, Chair
Edward Mambruno, Secretary

Lisa Giliberto
Nicholas Kapoor
Andrew Norton

Edith Pestana
Joseph Suggs
Neeta Vatti

Staff Present

Tanya Hughes, Executive Director
Cheryl Sharp, Deputy Director

Darcy Jones, Legislative Analyst
Michelle Dumas Keuler, HRO Attorney
Jamie Rubin, Regional Manager
Muriel Carpentier, HRO Representative
Kristen Daniels, Executive Secretary

Michael Roberts, HRO Attorney
Ronald Simpson, Regional Manager
Shawn Burns, Regional Manager
Monica H. Richardson, Executive Secretary
Asst. Attorney General, Emily Melendez

I. Chairperson: Cherron Payne, Presiding

The meeting was convened at 2:12 p.m. She welcomed the new commissioner, Neeta Vatti who will not be voting at this meeting.

II. Secretary: Edward Mambruno

A motion was made by Commissioner Kapoor to approve the minutes of the October 9, 2019 Regular Commission Meeting. It was seconded by Commissioner Pestana. The vote: Yes (5), No (0), and Abstentions (1). The motion carried.

III. Affirmative Action Recommendations – Vote Required

The following plans were presented by Deputy Director Cheryl Sharp.

Staff Recommendations: **Approval**

1. Department of Administrative Services

Representing the agency were Commissioner Josh Geballe, Nick Hermes, Deputy Commissioner and Chief Human Resources Officer, Alicia Nunez, Director of Equal Employment Opportunity and Brenda Abele, HR for DAS Smart unit.

The plan was recommended for **Approval:**

The agency did not meet all or substantially meet all of its hiring goals at 61.3%. The promotion goals were met at 80% and the program goals were met 100% (3 out of 3).

The Contract Compliance Set-Aside Program for FY 2018/2019 showed 136.7% achievement for the SBE and 97.5% achievement for the MBE. The filing history is as follows: 2014, 2015, 2016, 2017, and 2018, Approved.

A motion was made by Commissioner Kapoor and seconded by Commissioner Giliberto to accept the staff recommendation to **approve** the plan of the **Department of Administrative Services** and **retain annual** filing status. The vote: Yes (6), No (0) and Abstentions (0). The motion carried unanimously.

2. **Workers' Compensation Commission**

Representing the agency was Sandra Cunningham, EEO. She explained that the CEO, Stephen Morelli had a work emergency ensue and could not attend the meeting as planned.

The plan was recommended for **Approval**:

The agency has met all or substantially met all of its hiring goals at 64%. The promotion goals were not established for this filing period and the program goals were met at 100% (5 out of 5).

The Contract Compliance Set-Aside Program for FY 2018/2019 showed 500% goal achievement for the SBE and 340% for the MBE. The filing history is as follows: 2010, 2011, 2013, 2015, and 2017, Approved.

A motion was made by Commissioner Giliberto and seconded by Commissioner Pestana to accept the staff recommendation to **approve** the plan of the **Workers' Compensation Commission** and retain **biennial** filing status. The vote was: Yes (6), No (0) and Abstentions (0). The motion carried unanimously.

3. **Metropolitan District Commission**

Representing the agency were Robert Zaik, Director of HR, Rita Kelly, EEO, and Marcy Wright – Bolling.

The plan was recommended for **Approval**:

The agency has not met all or substantially met all of its hiring goals at 39.1%. The promotion goals were met at 50% and the program goals were met at 66.7%.

The Contract Compliance Set-Aside Program for FY 2017/2018 showed 74% goal achievement for the SBE and 112% for the MBE. The filing history is as follows: 2014, 2015, 2016, 2017, and 2018, Approved.

A motion was made by Commissioner Pestana and seconded by Commissioner Mambruno to accept the staff recommendation to **approve** the plan of the **Metropolitan District Commission** and retain **annual** filing status. The vote was: Yes (6), No (0) and Abstentions (0). The motion carried unanimously.

4. **Southern CT State University**

Representing the agency were Mark Rozewski, VP of Finance & Administration, Paula Rice, EEO and Brenda Harris Diversity, Equity & Inclusion.

The plan was recommended for **Approval**:

The agency did not meet all or substantially meet all of its hiring goals at 29%. The promotion goals were met at 85% and the program goals were met at 67% (2 out of 3).

The Contract Compliance Set-Aside Program for FY 2018/2019 showed 215% goal achievement for the SBE and 147% for the MBE. The filing history is as follows: 2014, Disapproved, 2015, 2016, Approved, 2017, Conditionally Approved, and 2018, Approved.

A motion was made by Commissioner Kapoor and seconded by Commissioner Pestana to accept the staff recommendation to **approve** the plan of Southern CT State University and retain **annual** filing status. The vote was: Yes (5), No (0) and Abstentions (1). The motion carried.

Staff Recommendations: **Disapproval**

5. **Department of Labor**

Representing the agency were Deputy Commissioner Dante Bartolomeo, Marla Shiller, EEO, and Maria LaRosa, HR.

The plan was recommended for **Disapproval**:

The agency did not meet all or substantially meet all of its hiring goals at 38%. The promotion goals were met at 60% and the program goals were met 100% (2 out of 2).

The Contract Compliance Set-Aside Program for FY 2018/2019 showed 85% achievement for the SBE and 71% achievement for the MBE. The filing history is as follows: 2014, 2015, 2016, 2017, and 2018, Approved.

Following a request for a conditional approval made by Deputy Commissioner Bartolomeo, a motion was made by Commissioner Pestana and seconded by Commissioner Giliberto to accept the staff recommendation to **disapprove** the plan of the **Department of Labor** and **retain annual** filing status. The vote: Yes (6), No (0) and Abstentions (0). The motion carried unanimously.

IV. Petition for Declaratory Ruling

Health Insurers' Categorization of Certain Gender Confirming Surgeries as Cosmetic
Presented by Attorney Michael E. Roberts and Intern Jonathan Sykes

Following a presentation made by the agency, a motion was made by Commissioner Kapoor and seconded by Commissioner Giliberto that the Commission on Human Rights and Opportunities issue a declaratory ruling in accordance with the CONN. General Statutes 4-176(i) by May 2, 2020 on the questions presented as outlined in the request for option 3.

The vote was: Yes (6), No (0) and Abstentions (0). The motion carried unanimously.

**Commissioner Norton left the meeting at 4:06 pm.

V. Contract Compliance: Request for Exemption: N/a

This item was a late addition to the agenda that was posted on the Secretary of State (SOTS) site prior to the meeting. It was subsequently removed.

VI. Division Reports

Executive Director's Report: by Tanya Hughes, Executive Director

The Executive Director reported on personnel matters, shared feedback regarding the Telework initiative, announced the agency wide meeting is on Monday, December 9, from 9 am -4 pm. She reported on CHRO joining an amicus brief in the US Court of Appeals for the District of Columbia Circuit Court focused on entitlement and use of EEO-1 Component 2. The sexual harassment training has been very successful with 7560 hits on the website as of the date of the meeting.

Outreach Report: by Cheryl Sharp, Deputy Director (See detailed report)

- Attended the CT Afterschool Network, Nov 2
- SERC, addressing the achievement gap series, Nov 15
- Sexual Harassment Training with CHRO AA unit, Nov 13
- C.L.E.W., Honored Alix Simonetti, Nov 13
- Gender Equality Panel at CCSU, Nov 14
- Agency wide Training, 450 Columbus Blvd. Dec 9,

Legislative update: by Darcy Jones, Legislative Analyst

Darcy Jones reported on the following:

- Free online sexual harassment training (2 hours) introduced Oct 1 as required by the Times Up Act; Increased enforcement authority for the online training; Legislative meetings are every other Friday

VII. New Business:

Chair Payne invited into the 1st part of Executive session, AAG Emily Melendez only and for the 2nd part of Executive session Tanya Hughes and Cheryl Sharp.

A motion was made by Commissioner Kapoor to go into Executive session; it was seconded by Commissioner Pestana. The vote was Yes (5), No (0), and Abstentions (0).

VIII. Executive Session

1. *Wallace v. Sharp, et al.*
2. *Johnson v. Hughes, et al*
3. *Mica Notz v. CHRO*

IX. Vote on Executive Session items:

A motion was made by Commissioner Kapoor to come out of Executive session; it was seconded by Commissioner Giliberto. The vote was Yes (5), No (0), and Abstentions (0). Motion carried.

X. Old Business:

2020 Calendar, Regular Commission meeting

A motion was made by Commissioner Kapoor to accept the calendar dates and it was seconded by Commissioner Pestana. The vote was Yes (6), No (0), and Abstentions (0). The motion carried unanimously.

XI. Adjournment

A motion was made by Commissioner Kapoor to adjourn the meeting; it was seconded by Commissioner Pestana. The vote was: Yes (5), No (0), and Abstentions (0).

The meeting adjourned at 4:31 p.m.